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SEP 12 1991

Federal Communications Commission
Office of the Secretary

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendment of Part 74 of)
The Commission's Rules)
and Regulations with)
Regard To the Low Power)
Television Service)

RM-7772

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FCC MAIL BRANCH

To: The Commission

Comments of Paul V. Engle
Channel 8, W08CC-TV

Paul V. Engle hereby submits these comments on the

When Congress created the Low Power service, it reaffirmed the belief that it is in the best interest of the Nation to further enhance the diversity of views. I feel it is important to the Public Interest to keep alive the LPTV service. The present marketplace constricts the growth and very existence of the LPTV service. Although competition is the most important element in our economic system, it is also important and indeed vital that regulations which restrict and hamper competition are re-thought.

I have found that there is discrimination against my station and all LPTV stations. There is a negative perception on behalf of the business community, ad agencies, and even the general public, when the words "low power" are used. Competitors enhance that negative, especially when they are comparing our station to theirs. Because of the label "low power" and as some say, the "funny call letters", LPTV stations are generally not listed in trade publications. Consequently, ad agencies refuse to deal with LPTV stations. It also is a major problem that many newspapers will not list the programming of LPTV stations. TV Guide has a policy of not listing any LPTV station, simply, as they say, "because you are LPTV." With limited advertising revenue, it is difficult to place effective promotional advertising for the station in local newspapers.

Cable TV feels that they are most vulnerable to local competition from LPTV. Cable TV operators feel extremely paranoid about losing local ad revenue to a LPTV station. My market, as are a lot of markets where

there are LPTV stations, is dominated by cable. In Southern New Jersey, cable penetration is 70%. Most businesses refuse to place advertising until we are on all the cable systems. I have petitioned all the cable systems in my market for carriage. I have offered arrangements where my station would cross-promote cable, share or do all production work in exchange for carriage, but they all have said no. I asked to be added to subscriber surveys, but again they all refused. The incentive is great for cable to block not only my station but all LPTV stations from entering into competition with them. I asked all the systems in my market to lease me a channel under Sec. 612 of the 1984 Cable TV Act. The combined total that the six cable systems in my coverage area want to charge me for carriage for one year is \$4,577,065.00. Also, two systems refused to give me a rate for a lease even though they are required to under Sec. 612.

I believe the LPTV service should be unchained in the marketplace to be competitive, without changing the basic mandate to protect full power stations. as long as there are distinctive marketplace disadvantages built in by regulations, the LPTV service will continue to falter and eventually will die.

The Commission should permit four or six letter call signs to eliminate discrimination in the marketplace and to make the public more at ease, with a more familiar form of identification. At present, in the Radio service, both AM and FM have many different classes of stations. A Class "C" FM is not distinguishable by

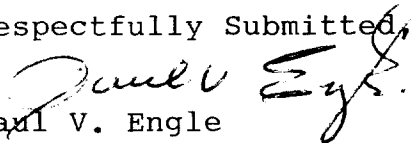
the public from other classes of FM stations in the market. The same is true for AM stations.

The classification that is set up for the AM and FM service is used in engineering filings with the Commission. Classification is generally not used in the marketplace, and certainly not by the public.

The Commission should look at power increases for LPTV stations on a case by case basis. If a LPTV station can more adequately serve the public, within the guidelines of interference protection to all full power and low power stations, the Commission should grant such requests. I also think it would be in the best interest of the stations as well as the Commission, to allow and encourage more efficient and more technically conventional means of transmission. At present, under the LPTV Rules, a station can obtain the highest ERP possible without interference, however engineering quality and efficiency are sacrificed. Often very creative methods are used to achieve the most obtainable ERP, while sacrificing reliability in the system and adding to the expense of construction in some cases. I think more conventional engineering practices should be welcomed by the Commission. In the case where elaborate antenna arrays and multiple amplifiers are used to obtain the desired ERP, a more efficient method would be to use a single transmitter and the minimal amount of antenna to achieve the desired ERP.

The LPTV industry is up and walking, but now needs the Commission's help to ensure the bright future Congress intended it have, for the enrichment of the Nation.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Paul V. Engle".

Paul V. Engle
President & General Manager
Channel 8 W08CC-TV
104 Bellevue Avenue
P.O. Box 888
Hammonton, NJ 08037
(609) 561-7083